

Excess Monitoring

One of the services we provide is the monitoring and assisting in settlement of large exposure excess and umbrella claims. We have particular experience in monitoring litigation being defended by a primary carrier, where the excess/umbrella carrier has reason to believe its policy is or may be implicated. At the outset of any matter, we provide independent evaluation of the potential liability and damages, as well as all coverage issues, in order to provide an overall picture of the potential exposure under the policy. As with other aspects of our practice, it is important not only to evaluate coverage under the policy for which we have been retained, but to evaluate the interplay between all other policies available to the insured, including any policies on which they may be included as an additional insured. As with all other types of matters, we are always mindful that a well placed settlement discussion can be an extremely valuable tool. We have participated in settlement conferences and mediation as excess/umbrella counsel. Resolution under an excess or umbrella policy can often involve considerations of not only the underlying claim being defended, but also issues over the existence of coverage and/or coverage priority. We are careful to consider all of these issues in evaluating any settlement opportunities, and understand that "cookie cutter" settlements often may not suffice.